

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | MAGISTRATE ACTION NO. C-09-627 |
| | § | |
| AARON ALBERTO GUERRA | § | |

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant confessed that he had purchased the marihuana involved in this offense and he intended to sell it in Houston, Texas. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of the defendant's sister, Brenda Guerra. The defendant's family does not have the resources available to address the risk of flight. The defendant is a former gang member and a daily marihuana smoker. His criminal history, from the time he was a juvenile, represents an unbroken string of serious felony convictions. He has not gone any significant length of time without committing a felony, except for when he was in prison.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 21st day of July, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE